

### REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the above amendments and the following remarks.

Claims 43-52, 55, and 56 have been amended. Support for the amendments is provided for example in the specification on page 78, lines 4-17, and page 79, lines 6-12. The amendments have been drafted to overcome the applied 35 USC 112, second paragraph, and 35 USC 101 rejections. (It should be noted that references herein to the specification and drawings are for illustrative purposes only and are not intended to limit the scope of the invention to the referenced embodiments.)

Claims 43-45, 48-50, 55, and 56 were rejected, under 35 USC §103(a), as being unpatentable over Jin et al. (JP 08-263096) in view of Pan et al. (US 6,092,041). Claims 46, 47, 51, and 52 were rejected, under 35 USC § 103(a), as being unpatentable over Jin in view of Pan and Kono (JP 08-046517). Claims 53 and 54 were rejected, under 35 USC §103(a), as being unpatentable over Ebara et al. (JP 2000-322097) in view of Jin and Pan. To the extent that these rejections may be deemed applicable to the amended claims 43-56, the Applicant respectfully traverses as follows.

The rejections applied to the independent claims are the same as those applied in the Final Rejection dated June 17, 2008. In a personal interview conducted on December 23, 2008, with examiner Shah, and his supervisor the Applicant's representative presented remarks distinguishing the independent claims from the applied references by relating the subject matter, claimed at that time, of -- generating an estimated error spectrum by performing scale adjustment and normalization of a decoded spectrum -- to equation 52 and its accompanying discussion in the specification.

The examiners: (1) indicated their recognition of how the claimed subject matter, in light of equation 52, differs from the combined teachings of Jin and Pan and (2) suggested that Applicant incorporate equation 52 into the independent claims to overcome the applied rejections. Independent claims 43, 55, and 56 now expressly recite equation 52.

More specifically, equation 52 has been substituted within the independent claims for the previous recitation of flattening and attenuating a decoded spectrum using: (1) an exponential function whose exponent is a predefined constant and (2) multiplication by a predefined constant, which two items replaced a prior recitation of scale adjusting and normalizing the decoded spectrum. Equation 52 is given by the expression:  $E'(m) = a \cdot P(m)^\gamma$ , where  $P(m)$  is the exponential function and  $a$  and  $\gamma$  are the predefined constants.

The Office Action acknowledges that Jin does not disclose flattening and attenuating a decoded spectrum using multiplication by a predefined constant and an exponential function whose exponent is a predefined constant (see Office Action, paragraph bridging pages 6 and 7). To overcome this deficiency, the Office Action proposes that Pan discloses, in Fig. 1, a decoder 130 that outputs a decoded signal that is attenuated by multiplying this signal by a predefined constant of 1 (i.e., zero attenuation) and flattened by a predefined constant exponent of 1 (i.e., zero flattening).

However, the independent claims now recite that each of the predefined constants is a value less than 1 and greater than or equal to 0, whereas the Office Action applies predefined constants of 1 to Pan's signal. Thus, the instant claimed equation and predefined constants provide actual attenuation and flattening (i.e., scale adjustment and normalization) of a decoded spectrum, whereas Pan's system does not.

In summary, the applied references do not suggest the Applicants' claimed subject matter of: (1) multiplying a decoded spectrum by a predefined constant having a value equal to or greater than zero and less than one and (2) multiplying the decoded spectrum by an exponent having a value equal to or greater than zero and less than one.

Accordingly, the Applicant submits that Jin and Pan, considered individually or in combination, do not render obvious the subject matter now defined by independent claims 43, 55, and 56. Accordingly, the rejections applied to claims 46, 47, and 51-54 are obviated, and allowance of claims 43, 55, and 56 and all claims dependent therefrom is deemed to be warranted.

In view of the above, it is submitted that this application is in condition for allowance and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

/James Edward Ledbetter/

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JEL/DWW/att

James E. Ledbetter  
Registration No. 28,732

Attorney Docket No. 009289-04162  
Dickinson Wright PLLC  
1875 Eye Street, NW, Suite 1200  
Washington, DC 20006  
Telephone: (202) 659-6966  
Facsimile: (202) 659-1559

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